

BOARD OF APPEALS CASE NO. 5195

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BEFORE THE

APPLICANT: Forest Glen Homes LLC

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ZONING HEARING EXAMINER

REQUEST: Variance to locate a residential entrance sign within the required setbacks and road right-of-way; Wagner Way & Rock Spring Road, Forest Hill

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OF HARFORD COUNTY

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HEARING DATE: January 23, 2002

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Hearing Advertised

Aegis: 12/26/01 & 1/2/02

Record: 12/28/01 & 1/4/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Forest Glen Homes LLC, is requesting a variance, pursuant to Section 219-7K, of the Harford County Code, to allow a residential development identification sign less than 10 feet from the road right-of-way, and a variance, pursuant to Section 219-14B, to allow placement or display of a permanent residential entrance or development sign within the road right-of-way in an R2 Urban/Residential District.

The subject parcel is located at the intersection of Wagner Way and Rock Spring Road in Forest Hill, Maryland and is more particularly identified on Tax Map 40, Grid 2E. The parcel is located at the entrance of the Forest Glen subdivision and the sign is already erected.

Appearing for the Applicant was Mr. Barry Andrews. Mr. Andrews is the developer of the Forest Glen subdivision and stated that the existing sign is depicted in the photograph attached to the Staff Report herein as Attachment 7. The only difference is that the builder sign at the bottom will be removed once the development sells out. According to Mr. Andrews, the subdivision is located, for the most part, about 900 feet off of MD Route 24 (Rock Spring Road). The original development home is on Wagner Way that serves as the only means of ingress/egress for the development. There exists a large 6- foot retaining wall that reduces the locations available for a development sign. The retaining wall results from an unusual grade on the property that, according to the witness, makes this parcel topographically unique.

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The encroachment into the right-of way is one (1) foot, and the witness stated he did not feel as though any safety issues resulted. The sign is intended to safely direct passersby on Route 24 into the development and there is no other location that will accomplish this. Without the sign, prospective visitors to the subdivision are likely to miss the entrance and be forced to complete a u-turn on Route 24 that would not promote traffic safety. The sign meets all Harford County height and size requirements and both the Harford County Department of Public Works and the State Highways Administration have determined that the proposed (existing) location is acceptable.

The Department of Planning and Zoning also recommends approval of the request finding the circumstances of this parcel unique. There were no persons who appeared in opposition to this request.

CONCLUSION:

The Applicant, Forest Glen Homes LLC, is requesting a variance, pursuant to Section 219-7K, of the Harford County Code, to allow a residential development identification sign less than 10 feet from the road right-of-way, and a variance, pursuant to Section 219-14B, to allow placement or display of a permanent residential entrance or development sign within the road right-of-way in an R2 Urban/Residential District.

The applicable Code provisions are as follows:

Section 219-7K

“Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of thirty-two (32) square feet shall be permitted on the property, provided that it is located not less than ten (10) feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed six (6) feet. If the parcel or lot has a multiple frontage of at least fifty (50) feet, additional signs with letters or advertising area not to exceed a total of thirty-two (32) square feet shall be permitted. Such sign or structure shall not exceed six (6) feet in height and shall not be located less than ten (10) feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the thirty-two (32) square feet.”

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Section 219-14

- A. The following signs are prohibited in all districts and shall be removed in accordance with § 219-10:**
 - (1) Signs containing statements, words or pictures of an obscene, indecent or immoral character that offend public morals or decency of the community.**
 - (2) Signs of a size, location, movement, content, coloration or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any permitted signs or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection.**
 - (3) Unless authorized by the utility, signs posted on any building, fence, pole or other property owned, leased or controlled by a public utility.**
- B. Except as provided in § 219-7A, signs which are placed within the county or state right-of-way are prohibited and shall be removed immediately by the enforcement officer or the appropriate highway authority.**
- C. Freestanding signs advertising business uses shall not be permitted in planned residential development projects.**

The Hearing Examiner finds that the subject parcel has topographically unique conditions that restrict the potential locations of a development sign. The proposed location both serves the purpose of a development identification sign and provides a minimal encroachment of one (1) foot into the right-of-way. Under the circumstances, sight lines will not be impacted adversely nor will other safety issues be created. Both the Harford County Department of Public Works and the Maryland Department of Transportation agree that this is a safe location for the sign.

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The Hearing Examiner recommends approval of the Applicant's request subject to the following conditions:

1. The Applicant obtain all permits and inspections.
2. If the sign is ever replaced it will be moved out of the right-of way into an area that does not require any variances.

Date FEBRUARY 25, 2002

William F. Casey
Zoning Hearing Examiner